

### **III. REMARKS**

Claim 5 has been amended to better conform to US practice.

Claims 1-4, 6-8, 10-14, 16-19, 21-22, and 24 are not unpatentable under 35 U.S.C. 103(a) over Frid.

The basic idea of Frid is to store the parameters of a packet-switched (PS) bearer service so that it can be re-established after interruption by a circuit-switched (CS) connection (col. 2, ll. 62 – 63; Fig. 3, features 320 and 322). After the CS connection is completed, the PS bearer is re-established using the stored information (col. 3, ll. 1 – 3; Fig. 3, 334 and 336) such that the parameters do not need to be negotiated again between the endpoints (col. 3, ll. 23 - 26, col. 8, ll. 23 - 28). Thus, Frid solves the problem of how to speed up the re-establishment of the PS bearer by storing its parameters in both the terminal and network (NW) side.

Interruption of the PS bearer is caused by the fact that Class B GPRS terminals, which both the present application and Frid discuss, cannot maintain a PS bearer while a CS connection is active.

The present application does not discuss the details of re-establishing the PS bearer as optimizing this process is not a goal in the present application. The present application addresses the problem of application-level timeout during the interrupted PS bearer connection. Frid acknowledges the existence of this problem (col. 3, ll. 5 – 7; col. 7, ll. 15 – 18; col. 8, l. 39; col. 9, ll. 38 - 41) but does not propose any actions to remedy it since the invention of Frid derives from the perspective of a NW design engineer. However, the concept of application-level timeout exists in the domain of application architecture, which is a different field of technology, and the same persons do not typically engage in both network and application design. This difference is also relevant to defining a person of ordinary skill in the art, and it is respectfully submitted that an application (SW) designer would not be at all motivated to refer to Frid, which deals with network configuration.

Regarding the arguments of the Examiner (Response to Arguments section of the last Office Action), it is respectfully submitted that the Examiner has misunderstood the wording of Claim 1 in the present application. The purpose of the maintenance counter is not to monitor an interrupted data connection, but to monitor the state of the terminal. Thus, the counter, which resides in the application server (which is not even mentioned in Frid), will periodically check if the terminal is still active.

Nevertheless to more clearly to define over Frid, the independent claims are presently amended as follows:

"transmission connection" is amended to "telecommunications service", as only the physical bearer is interrupted and the application-level connection between the terminal and application server ("data transmission connection between a terminal and application server" in the claims) is retained at the start of a CS connection,

the "maintenance counter to monitor the state of the terminal for re-establishing the packet data transmission" is amended to "time-out counter", and

limitations are added to describe that the afore-described message is actually sent to the application server. As no application servers are mentioned in Frid, these new limitations further distinguish the difference between the present invention and Frid.

Regarding the further arguments of the Examiner, according to which Frid discloses the requirement to monitor the interrupted data connection for a time-out connection, the applicants respectfully disagree. The Examiner argues (p. 4, second paragraph of the Office Action) that since Frid mentions the problem of application-level timeout, this would imply that Frid would also reset application-level timers before interrupting the PS bearer. This is not supported by anything in Frid. It is respectfully submitted that the Examiner has confused the PS bearer with the application-level data connection that uses the PS bearer as its physical medium.

Regarding the still further arguments of the Examiner, according to which the time-out counters could be reset as per normal use of the PS bearer up till its interruption at the start of the CS connection, the applicants again respectfully disagree. This is not the

case, as it is commonly known that, e.g., an e-mail application server is only irregularly in contact with a terminal, and signalling related to maintaining the PS bearer is not visible to the application server at all and thus cannot reset any timers therein.

For all of the above reasons, the rejection of claims 1-4, 6-8, 10-14, 16-19, 21-22 and 24 should be withdrawn.

Claims 5, 15 and 20 are not unpatentable under 35 U.S.C. 103(a) over Frid in view of Chen.

Chen discusses only circuit switched call signalling. In the first place, there is a two-party telephone call, whereby Chen provides a solution to how to add a third party to an existing two party telephone conversation (col. 6, lines 15-63). Even then, all the terminals in Chen have only one active connection instead of two connections. Chen does not even mention a data connection. Thus, a skilled man has no motivation combine Chen with Frid, but even if nevertheless combined, such a combination would not give a skilled man any disclosure indicating to an application server that a bearer connection will be interrupted, and the data connection should be maintained as recited in the independent claims. Hence, even if Chen is combined with Frid, the result is not the present invention.

Thus the rejection of claims 5, 15 and 20 should also be withdrawn.

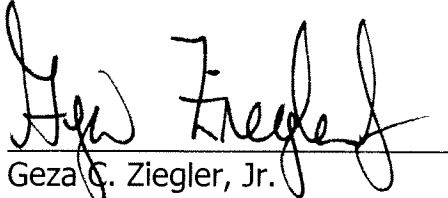
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$450.00 for a two-month extension of time fee as well as for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

09/697,395

Response to Office Action mailed April 5, 2006

Respectfully submitted,



Geza S. Ziegler, Jr.  
Reg. No. 44,004

28 August 2006  
Date

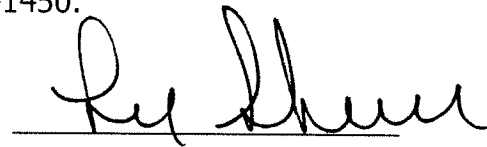
Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 28 August 2006

Signature: \_\_\_\_\_



Lisa Shimizu  
Person Making Deposit